

American Bar Association

May 7, 1986

TO: Task Force on Intelligence and Counterintelligence Law
Working Group on Intelligence Requirements and Criminal
Code Reform

FROM: John Norton Moore *JNM*

SUBJECT: Anti-terrorist legislation

I have received a congressional request for our assistance in drafting proposed anti-terrorist legislation aimed at organizations that engage in a pattern of terrorist activities. I would appreciate your assistance in preparing a draft bill at the earliest opportunity that might, for example, have the following features:

- Trial in federal district court of an organization to determine a "pattern of terrorist activities" with some solution to the numerous evidentiary problems, if possible;
- on conviction, the following legal consequences:
 - much enhanced reporting of all activities and sources of funds;
 - prohibition of fund raising in the United States;
 - treble or higher damages for civil actions resulting from terrorist activities with removal of statute of limitations and possibly even a retroactive effect;
 - posting of large bond required for activities in the United States; and
 - criminal penalties for violation of reporting, bonding, fund raising, etc. provisions of the act.

This is only a suggested list. Obviously any such statute would have to be constitutional and workable and you should use your own judgment as to the best way to go about it. The purpose of the effort would be to shift from a focus on purely individual activities to those of organizations engaged in a pattern of terrorist activities, much as the RICO laws deal with organized

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School of Law
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STANDING COMMITTEE ON LAW AND NATIONAL SECURITY

750 NORTH LAKE SHORE DRIVE, CHICAGO, ILLINOIS 60611 • TELEPHONE (312) 988-5000

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crime and much as the Nuremberg Charter branded certain organizations as criminals as well as certain individuals.

You might want to be in touch with Rick Holcombe of the Senate Judiciary Subcommittee on Security and Terrorism. His number is 202-224-6136. Please let me see a draft as soon as you get one.

Thanks for your assistance.

c.c.: Rick Holcombe